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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,334	09/16/2005	Altay Kismir	12400-028	5737
757 7590 01/15/2008 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER CULBRETH, ERIC D	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 01/15/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/518,334

Applicant(s)

KISMIR ET AL.

Examiner

Eric Culbreth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-17 is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 8 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5-7 and 9-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/26/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: Replacement sheets (not approved).

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 10/26/08. These drawings are not approved because the illustration of apertures 46 in Figure 4 is new matter (size, shape).

It is not necessary to resubmit the replacement sheets. Rather, if paragraph 46 were amended to state that the apertures at 46 are "schematic", that is, for illustrative purposes only.

2. Because the drawings were not approved, the objections to the drawings raised in paragraphs 1-3 of the first Office Action still remain.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al US006450527B2 in view of Wooley et al US005149130A.

Kobayashi et al disclose (Figure 4) an airbag 1 comprising an inflatable element having an inflatable region 11 and a gas inlet throat 6 joined to and extending from the inflatable region at 8, an integral gusset of excess material below throat 6 and in front of chamber 11 being present in the region proximate to the junction between the gas inlet throat and inflatable region. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kobayashi et al to include sheets 2 and 3

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forming the airbag to be of woven fabric as taught by Wooley et al in order to form the airbag of conventional fabric in the art. In view of the definition of a gusset given on page 9 of applicant's remarks filed 10/26/07 that a "gusset" according to Webster's Collegiate Dictionary "provides expansion or reinforcement", the excess fabric in front of chamber 11 in the combination reinforces the seam at the chamber and expands the airbag (in fact, The American Heritage Dictionary definition of "gusset" is a triangular insert, as in a garment, for strengthening and enlarging; the material in front of chamber 11 and below throat 6 of Kobayashi et al enlarges and strengthens the airbag).

Although the applicant has added a definition of "gusset" to the application with the current amendment, terms and phrases in the specification are to be given their broadest reasonable interpretation (MPEP 2111), which would include the above dictionary definitions of "gusset".

The examiner notes that defining the gusset as "excess fabric" is going to be very difficult to use in the claims to define over the prior art. "Excess" is a relative term, almost a term of intended use. The other references cited with this action all show what could be "excess" material (i.e., a thicker layer or section of fabric) at the junction of the throat and first chamber. Perhaps the definition of the gusset added to paragraph [0047] of the specification, if added to claim 1, would go further toward defining over the prior art.

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***Allowable Subject Matter***

5. Claims 2-3, 5-7, and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 12-17 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Culbreth  
Primary Examiner  
Art Unit 3616



ec  
/Eric Culbreth/  
Primary Examiner, Art Unit 3616

## REPLACEMENT SHEET

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## REPLACEMENT SHEET

2 / 4

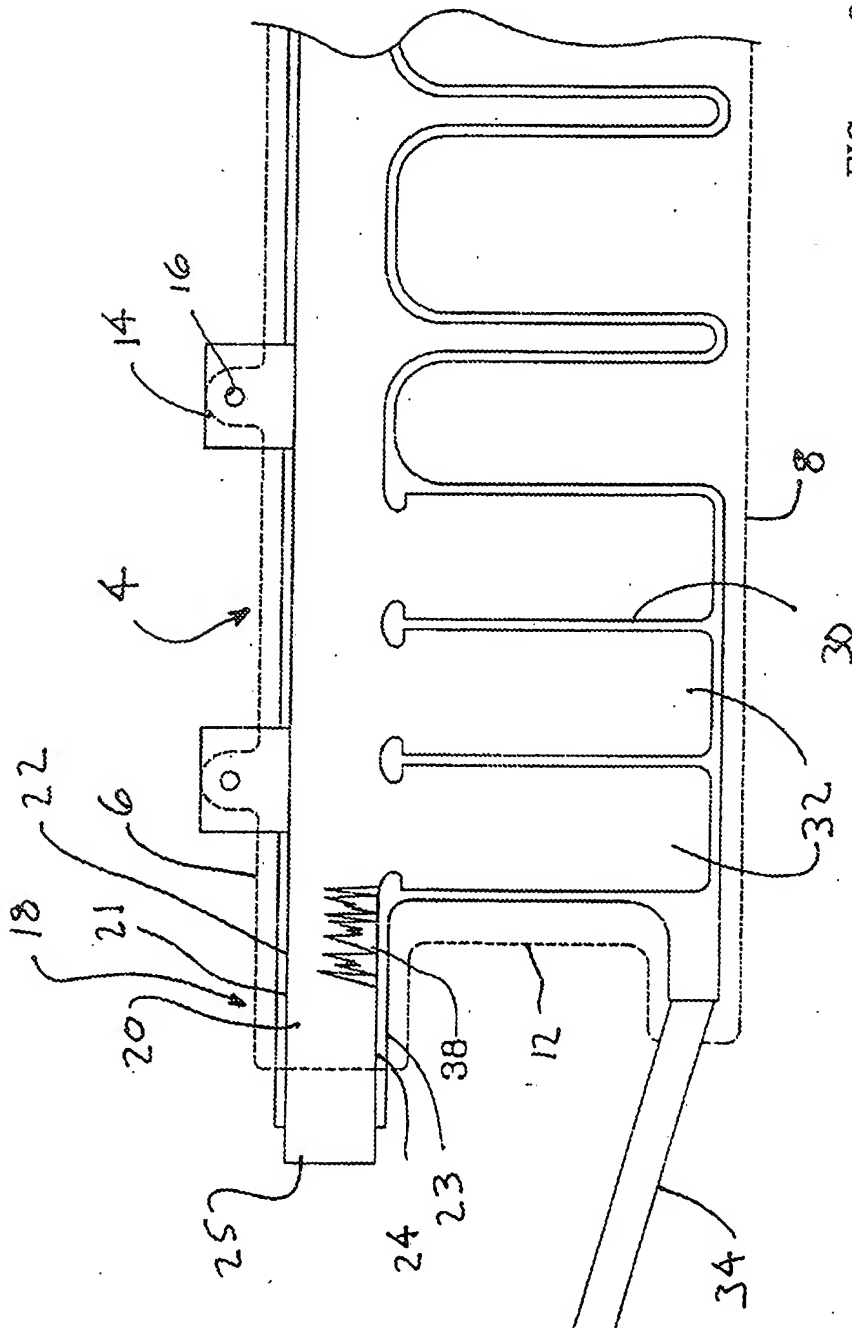


FIG 3

Not  
Approved  
EC  
1/12/08

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